

Susan E. Coleman (SBN 171832)
E-mail: scoleman@bwsllaw.com
Kristina Doan Strottman (SBN 268188)
E-mail: kstrottman@bwsllaw.com
BURKE, WILLIAMS & SORESENSEN, LLP
444 South Flower Street, Suite 2400
Los Angeles, CA 90071-2953
Tel: 213.236.0600 Fax: 213.236.2700

Attorneys for Defendants
THE GEO GROUP, INC. and R. DURAN

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

OMAR ARNOLDO RIVERA
MARTINEZ; ISAAC ANTONIO
LOPEZ CASTILLO; JOSUE
VLADIMIR CORTEZ DIAZ; JOSUE
MATEO LEMUS CAMPOS;
MARVIN JOSUE GRANDE
RODRIGUEZ; ALEXANDER
ANTONIO BURGOS MEJIA; LUIS
PENÄ GARCIA; JULIO CESAR
BARAHONA CORNEJO, as
individuals,

Plaintiffs,

v.

THE GEO GROUP, Inc., a Florida
corporation; the CITY OF
ADELANTO, a municipal entity; GEO
Lieutenant Duran, sued in her
individual capacity; and DOES 1-6,
individuals,

Defendants.

Case No. 5:18-cv-01125-R-GJS

**DEFENDANTS' OPPOSITION TO
PLAINTIFFS' NOTICE OF
RELATED CASE [Doc. #10]**

Judge: Honorable Manuel L. Real

On June 15, 2018, Plaintiffs filed a Notice of Related Case [Dkt. 10],
indicating this case should be related to *Raul Novoa v. The Geo Group, Inc.*, Case
No. 5:17-cv-02514-JGB-SHK. However, the *Novoa* case does not meet the criteria
of a related case and Plaintiffs' notice is a thinly veiled attempt to forum shop.
Accordingly, it should be denied.

ARGUMENT

Cases are deemed related under Local Rule 83-1.3.1 if they: (a) arise from the same or a closely related transaction, happening, or event; (b) call for determination of the same or substantially related or similar questions of law and fact; or (c) for other reasons would entail substantial duplication of labor if heard by different judges. The *Novoa* case does not meet the criteria of being related to the instant case for the reasons set forth below.

First, the *Novoa* case is a putative class action concerning allegations of detainees being paid \$1 per day for labor instead of minimum wage. It cites allegations of inadequate medical care at Adelanto only to support its claim that “[b]y maintaining these harsh conditions and purposely withholding basic necessities from detainees, GEO ensures an available labor pool of detainees will work for only \$1 per day,” (*Novoa* Compl. [Dkt. 1] ¶ 37.) There are no causes of action in *Novoa* related to medical care and/or failure to provide medical care. (*See generally*, *Novoa* Compl. [Dkt. 1].) The named Plaintiff Raul Novoa resided at the Adelanto Facility from 2012 through 2015.

In contrast, Plaintiffs’ case concerns a protest on June 12, 2017, allegations of excessive force used by GEO staff to break up the protest, and an alleged failure to treat injuries incurred by the eight plaintiffs during that single incident. (*See, e.g., Martinez* Compl. [Dkt. 1] ¶ 12.) There are no allegations about the plaintiffs-detainees working for sub-standard wages. The cases do not arise from the same or closely related transaction, happening or event.

Second, the cases do not call for determination of the same or substantially related or similar questions of law and fact. In fact, none of the legal claims are the same or similar. *Novoa* raises claims under the Labor code related to minimum wage, unjust enrichment, Unfair Competition Law (UCL), the California Trafficking Victims Protection Act, and Attempted Forced Labor. In contrast, *Martinez* raises claims for battery, assault, negligent hiring/training/supervision,

1 IIED, retaliation, excessive force, due process, Bane Act, conspiracy, and failure to
 2 provide medical care. Further, none of the factual claims appear even similar,
 3 given that *Novoa* relates to alleged substandard wages for classes of detainees and
 4 *Martinez* relates to a single force incident in June 2017 involving eight detainees.

5 Third, having these cases heard by different judges would not entail
 6 substantial duplication of labor. They are very different cases. The only real
 7 overlap is that both cases involve the Adelanto Detention Facility, operated by The
 8 Geo Group, Inc. The fact that a case involves the same facility or prison is
 9 insufficient to deem it “related” for purposes of having it heard by the same judge.
 10 If this were the case, some judges would handle only jail, prison and detention
 11 facility matters, by virtue of having first been assigned a case involving that facility.

12 Plaintiffs evidently seek a transfer to Judge Bernal. However, they fail to
 13 meet the Local Rule criteria to demonstrate that *Novoa* is related. Accordingly,
 14 their notice should be disregarded and the present matter retained in this Court.

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 16 Dated: June 19, 2018

BURKE, WILLIAMS & SORESENSEN, LLP

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 18 By: /s/ Susan E. Coleman

19 Susan E. Coleman
 Kristina Doan Strottman

20 Attorneys for Defendants
 21 THE GEO GROUP, INC. and DURAN
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